

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT

OCT 25 2019

SENTENCE BY A PERSON IN FEDERAL CUSTODY

MITCHELL R. ELPERS

United States District Court		District	10 th CIRCUIT	CLERK	1007
Name (under which you were convicted): MICHAEL J. NISSEN			Docket or Case No.: 19-cv-00077-JB		
Place of Confinement: CIBOLA COUNTY CORRECTIONS CENTER			Prisoner No.: 02508151 19cv827 WJ/CF		
UNITED STATES OF AMERICA			Movant (include name under which convicted) V. MICHAEL J. NISSEN		

MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

**UNITED STATES DISTRICT COURT
 333 LOMAS BLVD, NW
 ALBUQUERQUE, NEW MEXICO 87102**

- (b) Criminal docket or case number (if you know):

2. (a) Date of the judgment of conviction (if you know):
- 7th DAY OF AUGUST, 2019**

- (b) Date of sentencing:
- N/A UNKNOWN AS OF DATE ON THIS MOTION**

3. Length of sentence:

4. Nature of crime (all counts):

18 U.S.C. § 875(c) TWO COUNTS

5. (a) What was your plea? (Check one)

(1) Not guilty ☒(2) Guilty ☐(3) Nolo contendere (no contest) ☐

6. (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☒Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☐No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐No ☒

9. If you did appeal, answer the following:

- (a) Name of court: _____
- (b) Docket or case number (if you know): _____
- (c) Result: _____
- (d) Date of result (if you know): _____
- (e) Citation to the case (if you know): _____
- (f) Grounds raised: _____

(g) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know): _____
- (2) Result: _____
- (3) Date of result (if you know): _____
- (4) Citation to the case (if you know): _____
- (5) Grounds raised: _____

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
- (2) Docket or case number (if you know): 1:19-cv-00827-WJ-LF
- (3) Date of filing (if you know): 9th DAY OF SEPTEMBER, 2019

(4) Nature of the proceeding: CHALLENGING JURISDICTION & INEFFECTIVE ASSISTANCE OF COUNSEL

(5) Grounds raised:

(1) VIOLATIONS OF CONSTITUTIONAL DUE PROLESS, EQUAL PROTECTION OF RIGHTS.

(2) INEFFECTIVE ASSISTANCE OF COUNSEL

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐

No ☒

(7) Result:

(8) Date of result (if you know):

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court:

(2) Docket of case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐

No ☐

(7) Result:

(8) Date of result (if you know):

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition:

Yes ☐

No ☒

(2) Second petition:

Yes ☐

No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

APPEAL PROCESS NOT AVAILABLE TILL SENTENCING DATE WHICH IS UNKNOWN AS OF DATE ON THIS 28 U.S.C. § 2255.

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: FALSE ARREST, FALSE IMPRISONMENT

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

[4 U.S.C. § 116 - 126]

(b) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

- (2) If you did not raise this issue in your direct appeal, explain why:

RELENT REVELATION OF NEW FOUND EVIDENCE AFTER
CONVICTION IS WHY THE MOVANT BRINGS GROUND ONE.

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO: LACK OF SUBJECT MATTER JURISDICTION
[4 U.S.C. § 116-126]

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE RECEIPTS OF A HOME SERVICE PROVIDER FROM PROVIDING MOBILE TELECOMMUNICATIONS SERVICES TO CUSTOMERS WHOSE PHONE OF PRIMARY USE IS IN NEW MEXICO IF: (1) THE MOBILE TELECOMMUNICATIONS SERVICES ORIGINATE AND TERMINATE IN THE SAME STATE, REGARDLESS OF WHERE THE SERVICE ORIGINATE, TERMINATE OR PASS THROUGH, AND (2) THE CHARGES FOR MOBILE TELECOMMUNICATIONS SERVICES ARE BILLED BY OR FOR A CUSTOMER'S HOME SERVICE PROVIDER AND ARE DEEMED PROVIDED BY THE HOME SERVICE PROVIDER. FOR THE PURPOSES OF THIS SECTION, "HOME SERVICE PROVIDER", "MOBILE TELECOMMUNICATIONS SERVICES", "CUSTOMER", AND "PLACE OF PRIMARY USE" HAVE THE MEANINGS GIVEN IN THE FEDERAL "MOBILE TELECOMMUNICATIONS SOURCING ACT", [4 U.S.C. § 116-126] IF A COURT OF COMPETENT JURISDICTION ENTERS A FINAL JUDGEMENT ON THE MERITS THAT, (1) IS BASED ON FEDERAL LAW, (2) IS NO LONGER SUBJECT TO APPEAL; AND (3) SUBSTANTIALLY LIMITS OR IMPAIRS THE ESSENTIAL ELEMENTS OF SECTIONS 116 THROUGH 126 OF THIS TITLE [4 U.S.C. § 116-126] THEN SECTIONS 116 THROUGH 126 OF THIS TITLE ARE INVALID AND HAVE NO LEGAL EFFECT AS OF THE DATE OF ENTRY OF SUCH JUDGEMENT

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

RECENT REVALUTION OF NEW FOUND EVIDENCE AFTER
CONVICTION IS WHY THE MOVANT BRINGS GROUND TWO

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND ONE, AND GROUND TWO ARE NOT A PART OF
PETITION OF HABEAS CORPUS, [28 U.S.C. § 2241], NEW FOUND
[4.U.S.C. § 116-126] ARE OF RECENT DISCOVERY AFTER
PETITION FOR HABEAS CORPUS [28 U.S.C. § 2241] WAS SENT
TO UNITED STATES DISTRICT COURT.

GROUND THREE: VIOLATION OF THE UNITED STATES OF AMERICA CONSTITUTION, CONSTITUTIONAL LAW, CONSTITUTIONAL LIBERTY OR FREEDOM, CONSTITUTIONAL LIMITATIONS, CONSTITUTIONAL PROTECTIONS, CONSTITUTIONAL RIGHTS, UNCONSTITUTIONAL STATUTES.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

UNITED STATES OF AMERICA CONSTITUTION, CONSTITUTIONAL LAWS, CONSTITUTIONAL LIBERTIES OR FREEDOMS, CONSTITUTIONAL LIMITATIONS, CONSTITUTIONAL PROTECTIONS, CONSTITUTIONAL RIGHTS, UNCONSTITUTIONAL STATUTES, AND BILL OF RIGHTS.

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

RELENT REVALUATION OF NEW FOUND EVIDENCE AFTER CONVICTION IS WHY MOVANT BRINGS GROUND THREE

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: 28 U.S.C. § 2241 PETITION FOR HABEAS CORPUS

Name and location of the court where the motion or petition was filed:

UNITED STATES DISTRICT COURT, 333 LOMAS BLVD, NW ALB, NM 87102

Docket or case number (if you know): 1:19-cv-00827-WJ-LF

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☒

GROUND THREE, ATTACHED MEMORANDUM.

CONSTITUTION, THE ORGANIC AND FUNDAMENTAL LAW OF A NATION OR STATE, WHICH MAY BE WRITTEN OR UNWRITTEN, ESTABLISHING THE CHARACTER AND CONCEPTION OF ITS GOVERNMENT, LAYING THE BASIC PRINCIPLES TO WHICH ITS INTERNAL LIFE IS TO BE CONFORMED, ORGANIZING THE GOVERNMENT, AND REGULATING, DISTRIBUTING, AND LIMITING THE FUNCTIONS OF ITS DIFFERENT DEPARTMENTS, AND PRESCRIBING THE EXTENT AND MANNER OF THE EXERCISE OF SOVEREIGN POWERS. A CHARTER OF GOVERNMENT DERIVING ITS WHOLE AUTHORITY FROM THE GOVERNED, THE WRITTEN INSTRUMENT AGREED UPON BY THE PEOPLE OF THE UNION (E.G. UNITED STATES CONSTITUTION) OR OF A PARTICULAR STATE, AS THE ABSOLUTE RULE OF ACTION AND DECISION FOR ALL DEPARTMENTS (I.E. BRANCHES) AND OFFICERS OF THE GOVERNMENT IN RESPECT TO ALL THE POINTS COVERED BY IT, WHICH MUST CONTROL UNTIL IT SHALL BE CHANGED BY THE AUTHORITY WHICH ESTABLISHED IT (I.E. BY AMENDMENTS), AND IN OPPOSITION TO WHICH ANY ACT OR ORDINANCE OF ANY SUCH DEPARTMENT OR OFFICER IS NULL AND VOID.

CONSTITUTIONAL LAW, THAT BRANCH OF THE PUBLIC LAW OF A NATION OR STATE WHICH TREATS OF THE ORGANIZATION, POWERS, AND

GROUND THREE

FRAME OF GOVERNMENT, THE DISTRIBUTION OF POLITICAL AND GOVERNMENTAL AUTHORITIES AND FUNCTIONS, THE FUNDAMENTAL PRINCIPLES WHICH ARE TO REGULATE THE RELATIONS OF GOVERNMENT AND CITIZEN, AND WHICH PRESCRIBES GENERALLY THE PLAN AND METHOD ACCORDING TO WHICH THE PUBLIC AFFAIRS OF THE NATION OR STATE ARE TO BE ADMINISTERED.

(2) THAT DEPARTMENT OF THE SCIENCE OF LAW WHICH TREATS OF CONSTITUTIONS, THEIR ESTABLISHMENT, CONSTRUCTION, AND INTERPRETATION AND OF THE VALIDITY OF LEGAL ENACTMENTS AS TESTED BY THE CRITERION OF CONFORMITY TO THE FUNDAMENTAL LAW. (3) A CONSTITUTIONAL LAW IS ONE WHICH IS CONSONANT TO, AND AGREES WITH, THE CONSTITUTION; ONE WHICH IS NOT IN VIOLATION OF ANY PROVISION OF THE CONSTITUTION OF THE PARTICULAR STATE.

CONSTITUTIONAL LIBERTY OR FREEDOM, SUCH FREEDOM AS IS ENJOYED BY THE CITIZENS OF A COUNTRY OR STATE UNDER THE PROTECTION OF ITS CONSTITUTION. THE AGGREGATE OF THOSE PERSONAL, CIVIL, AND POLITICAL RIGHTS OF THE INDIVIDUAL WHICH ARE GUARANTEED BY THE CONSTITUTION AND SECURED AGAINST INVASION BY THE

GROUND THREE

GOVERNMENT OR ANY OF ITS AGENCIES.

CONSTITUTIONAL LIMITATIONS, THOSE PROVISIONS OF A CONSTITUTION WHICH RESTRICT THE LEGISLATURE IN THE TYPES OF LAWS WHICH IT MAY ENACT.

CONSTITUTIONAL PROTECTIONS, THOSE BASIC PROTECTIONS GUARANTEED BY THE CONSTITUTION SUCH AS DUE PROCESS, EQUAL PROTECTION AND THE FUNDAMENTAL PROTECTIONS OF THE FIRST AMENDMENT, SUCH AS THOSE TOUCHING SPEECH, PRESS, AND RELIGION.

UNCONSTITUTIONAL STATUTES, THAT WHICH IS CONTRARY TO THE CONSTITUTION (WHETHER IT BE THE UNITED STATES CONSTITUTION OR A STATE CONSTITUTION), THE OPPOSITE OF "CONSTITUTIONAL". THIS WORD IS USED IN TWO DIFFERENT SENSES. ONE, WHICH MAY BE CALLED THE ENGLISH SENSE, IS THAT THE LEGISLATION CONFLICTS WITH SOME RECOGNIZED GENERAL PRINCIPLE, THIS IS NO MORE THAN TO SAY THAT IT IS UNWISE, OR IS BASED UPON A WRONG OR UNSOUND PRINCIPLE, OR CONFLICTS WITH A GENERALLY ACCEPTED POLICY. THE OTHER, WHICH MAY BE CALLED THE AMERICAN SENSE, IS THAT THE LEGISLATION CONFLICTS WITH SOME

GROUND THREE

PROVISIONS OF OUR WRITTEN CONSTITUTION,
WHICH IT IS BEYOND THE POWER OF THE
LEGISLATURE TO CHANGE.

BILL OF RIGHTS, A FORMAL AND
EMPHATIC LEGISLATIVE ASSERTION AND
DECLARATION OF POPULAR RIGHTS AND LIBERTIES.
THAT PORTION OF CONSTITUTION GUARANTEEING
RIGHTS AND PRIVILEGES TO THE INDIVIDUAL;
I.E., FIRST TEN AMENDMENTS OF UNITED
STATES CONSTITUTION.

LOST BOOK OF ENKI
Zacharrah ~~Entehen~~

Carlos Montoya

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND THREE HAS BEEN ASSIGNED, NO RULING TO DATE, AS WELL NO HEARING SCHEDULED TO DATE OF THIS MOTION 28 U.S.C. § 2255

GROUND FOUR: SOVEREIGN IMMUNITY CLAUSE DOCTRINE, SOVEREIGNTY, SOVEREIGN RIGHTS, SOVEREIGN STATES.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

SUPPORTING FACTS ATTACHED IN SEPARATE MEMORANDUM.

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

RECENT REVALUATION OF NEW FOUND EVIDENCE AFTER CONVICTION IS WHY THE MOVANT BRINGS GROUND FOUR

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

GROUND FOUR, SUPPORTING FACTS MEMORANDUM

SOVEREIGN IMMUNITY CLAUSE DOCTRINE, PRECLUDES LITIGANT FROM ASSERTING AN OTHERWISE MERITORIOUS CAUSE OF ACTION AGAINST A SOVEREIGN OR A PARTY WITH SOVEREIGN ATTRIBUTES UNLESS SOVEREIGN CONSENTS TO SUIT. HISTORICALLY, THE FEDERAL AND STATE GOVERNMENTS, AND DERIVATIVELY CITIES AND TOWNS, WERE IMMUNE FROM TORT LIABILITY ARISING FROM ACTIVITIES WHICH WERE GOVERNMENTAL IN NATURE.

SOVEREIGNTY, THE SUPREME, ABSOLUTE, AND UNCONTROLLABLE POWER BY WHICH ANY INDEPENDANT STATE IS GOVERNED; SUPREME POLITICAL AUTHORITY; PARAMOUNT CONTROL OF THE CONSTITUTION AND FRAME OF GOVERNMENT AND ITS ADMINISTRATION; THE SELF SUFFICIENT SOURCE OF POLITICAL POWER, FROM WHICH ALL SPECIFIC POLITICAL POWERS ARE DERIVED; THE INTERNATIONAL INDEPENDENCE OF A STATE, COMBINED WITH THE RIGHT AND POWER OF REGULATING ITS INTERNAL AFFAIRS WITHOUT FOREIGN DICTATION; ALSO A POLITICAL SOCIETY, OR STATE, WHICH IS SOVEREIGN AND INDEPENDENT,

SOVEREIGN RIGHTS ARE A RIGHT WHICH THE STATE ALONE, OR SOME OF ITS

GROUND FOUR, SUPPORTING FACTS MEMORANDUM
GOVERNMENTAL AGENCIES, CAN PROCESS, AND
WHICH IT POSSESSES IN THE CHARACTER OF
A SOVEREIGN, FOR THE COMMON BENEFIT,
AND TO ENABLE IT TO CARRY OUT ITS
PROPER FUNCTIONS; DISTINGUISHED FROM
SUCH "PROPRIETARY" RIGHTS AS A STATE,
LIKE ANY PRIVATE PERSON, MAY HAVE
IN PROPERTY OR DEMANDS WHICH IT OWNS.

SOVEREIGN STATES WHOSE SUBJECTS
OR CITIZENS ARE IN THE HABIT OF
OBEDIENCE TO THEM, AND WHICH ARE NOT
THEMSELVES SUBJECT TO ANY OTHER (OR PARAMOUNT)
STATE IN ANY RESPECT, THE STATE IS SAID
TO BE SEMI-SOVEREIGN ONLY, AND NOT
SOVEREIGN, WHEN IN ANY RESPECT OR RESPECTS
IT IS LIABLE TO BE CONTROLLED (LIKE CERTAIN
OF THE STATES IN INDIA) BY A PARAMOUNT
GOVERNMENT (E.G. BY THE BRITISH EMPIRE).
IN THE INTERCOURSE OF NATIONS, CERTAIN
STATES HAVE A POSITION OF ENTIRE
INDEPENDENCE OF OTHERS, AND CAN PERFORM
ALL THOSE ACTS WHICH IT IS POSSIBLE FOR
ANY STATE TO PERFORM IN THIS PARTICULAR
SPHERE, THESE SAME STATES HAVE ALSO
ENTIRE POWER OF SELF-GOVERNMENT; THAT
IS, OF INDEPENDENCE UPON ALL OTHER STATES
AS FAR AS THEIR OWN TERRITORY AND

GROUND FOUR, SUPPORTING FACTS MEMORANDUM
CITIZENS NOT LIVING ABROAD ARE
CONCERNED, NO FOREIGN POWER OR LAW
CAN HAVE CONTROL EXCEPT BY CONVENTION,
THIS POWER OF INDEPENDENT ACTION IN
EXTERNAL AND INTERNAL RELATIONS
CONSTITUTES COMPLETE SOVEREIGNTY.

MY ALLEGIANCE:

(1) IS ONLY TO THE LORD GOD MY FATHER AND
NOT TO ANY MAN OR GROUP OF MEN WHO CALL
THEMSELVES "GOVERNMENT".

"FOR THE LORD IS OUR JUDGE, THE
LORD IS OUR LAWGIVER. THE LORD IS OUR
KING; HE [AND ONLY] HE WILL SAVE [AND
PROTECT] US."

(2) IS TO THE "UNITED STATES OF AMERICA"
MENTIONED IN THE ARTICLES OF CONFEDERATION,
WHICH IS THE SOVEREIGN PEOPLE AS INDIVIDUALS
WITHIN THE SOVEREIGN AND SEPARATE STATES
OF THE UNION. THIS TYPE OF ALLEGIANCE
THE BIBLE CALLS "LOVE", AS IN THE FOLLOWING:

"MASTER, WHICH IS THE GREATEST
COMMANDMENT IN THE LAW? JESUS SAID TO
HIM, THOU SHALT LOVE THE LORD THY GOD

GROUND FOUR, SUPPORTING FACTS MEMORANDUM
WITH ALL THY HEART, AND WITH ALL
THY SOUL AND WITH ALL THY MIND.

THIS IS THE FIRST AND GREAT COMMANDMENT.
AND THE SECOND IS LIKE UNTO IT, THOUGH
SHALT LOVE THY NEIGHBOR [PROTECT HIM]
AS THYSELF, ON THESE TWO COMMANDMENTS
HANG ALL LAW..."

(3) IS NOT TO THE GOVERNMENT OF THE
"UNITED STATES" WITHIN THE DISTRICT
OF COLUMBIA.

(4) IS TO MY NEIGHBOR, WHO THE BIBLE
COMMANDS ME TO LOVE AND PROTECT,

(5) IS NOT TO ANY GOVERNMENT RULER,
ELECTED OR APPOINTED EMPLOYEE OR OFFICER,
PRESIDENT, JUDGE, ETC.

ANY ATTEMPT TO UNILATERALLY CHANGE THE
ABOVE STATUS AGAINST MY WILL MAKE YOU OR
ANY OTHER ACTOR A CRIMINAL IN VIOLATION OF THE
FOLLOWING STATUTES:

[18 U.S.C. § 911] IMPERSONATING A "CITIZEN OF
THE "UNITED STATES".

[18 U.S.C. § 912] IMPERSONATING A PUBLIC OFFICER
OR EMPLOYEE OF THE UNITED STATES.

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

GROUND ONE, AND GROUND TWO ARE NOT PREVIOUSLY PRESENTED IN ANY FEDERAL COURT. NEW FOUND EVIDENCE PERTINENT ARE OF RELENT DISCOVERY AFTER PETITION FOR HABEAS COARPUS [28 U.S.C. § 2241] WAS SENT TO UNITED STATES DISTRICT COURT.

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At the preliminary hearing:

MELISSA A. MORRIS, ESQUIRE

(b) At the arraignment and plea:

MELISSA A. MORRIS, ESQUIRE

(c) At the trial:

KEN GLERIA, JACK McHITARAN

(d) At sentencing:

N/A

(e) On appeal:

N/A

(f) In any post-conviction proceeding:

KEN GLERIA

(g) On appeal from any ruling against you in a post-conviction proceeding:

N/A

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

N/A

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

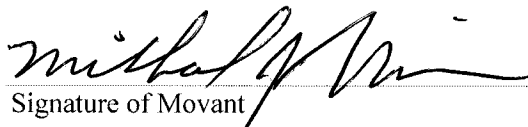
Therefore, movant asks that the Court grant the following relief:

REVERSE AND REMAND RECENT CONVICTION TO ORIGINAL COURT OF JURISDICTION. ORIGINAL COURT LACKS SUBJECT MATTER JURISDICTION, JURISDICTION IN PERSONAM. MOVANT SEEKS ACQUITTAL.
or any other relief to which movant may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on OCTOBER 22, 2019.
(month, date, year)

Executed (signed) on OCTOBER, 22, 2019 (date)


Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

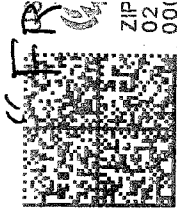
MICHAEL J. NISSEN

P.O.W. # 02508151

P.O. BOX 3540

IBOLA COUNTY CONCENTRATION CAMP

MILAN, NEW MEXICO 87021



RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
OCT 23 2019
MITCHELL R. ELLERS
CLERK

CLERK, UNITED STATES DISTRICT
333 LOMAS BLVD, NW
ALBUQUERQUE, NM 87102